

Remarks

Claims 1, 8 and 18 were previously amended. Claims 1-4, 8 and 17-21 are presently amended. Claims 1-25 are pending in this application. The Examiner has rejected claims 1-4, 6-9, 11, 13-21, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,173,317 to Chaddha, et al. (hereinafter “Chaddha”). The Examiner has rejected claims 5, 10 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Chaddha, et al., in view of U.S. Patent No. 7,007,098 to Smyth, et al. (hereinafter “Smyth”). The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Chaddha, et al., in view of “Official Notice”. Applicants respectfully traverse the Examiner’s rejections.

A. Remarks Regarding Rejection of Claims 1-25 Under 35 U.S.C. § 103(a)

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Independent claims 1, 8 and 18 have been amended herein to clarify the present invention. Specifically, independent claims 1, 8 and 18 now recite that the digital data may be received from one or more sources of digital media content/digital data. No new matter has been added by way of this amendment as support for this limitation may be found, for example, at page 9, lines 8-26, which provides in relevant part that:

In the communications network of Figure 2, data from one or more of the door camera 26, doorbell 28, caller ID device 30, and oven 32 can be layered over another data stream to provide to a user a

notification concerning the status of an in-home digital device. As an example, a user may be watching a live digital video stream that is being accessed from Internet node 14. This real-time digital video stream may be pre-processed at server 16 and then rendered for display at Thin Media Client A. Hub 12 of communications network 10 may be configured such that a notification from any of doorbell 28, caller ID device 30, or oven 32 is overlaid in a picture-in-picture format on the real-time digital video stream.

Chaddha fails to teach or suggest all the claim limitations of amended independent claims 1, 8 and 18. Specifically, Chaddha fails to teach or suggest a thin media client that is operable to render the combined data stream without performing pre-processing functions related to the data stream, as recited in amended independent claims 1, 8 and 18.

In responding to the Applicants' arguments, the Examiner states that:

Chaddha discloses a client computer 240 which includes a web browser 950 and a browser plug-in module 952, uses the plug-in module for interfacing the web browser with a main client module 960. But it is the client module 960 which is responsible for processing the data stream (decoding) and not the web browser and browser plug-in module. . . . Chaddha specifies that the browser and plug-in module do not perform pre-processing of the video Thus, one could reasonably conclude the obviousness of a browser and plug-in module to the thin media client of the instant application.

Office Action, at 7-8. Specifically, the Examiner suggests that the browser and plug-in module of Chaddha is analogous to the thin media client of the present disclosure. The Applicants respectfully disagree with this characterization.

As stated in the specification and amended independent claims 1, 8 and 18, the thin media client disclosed is characterized by the fact that (1) it can render the combined data stream; and (2) it does not perform pre-processing functions related to the data stream. Assuming, arguendo, that as the Examiner suggests, the browser and plug-in module of Chaddha do not perform pre-processing functions related to the data stream, they nevertheless cannot be

characterized as a thin media client because they do not render the combined data stream. Chaddha provides that once the audio/video streams are decoded by the decoder 964, they are displayed at a client computer 240 by renderers 265 which are part of the client module 960. Chaddha, Col. 7, lines 60-66 and Col. 8, lines 60-64. Therefore, it is the client module 960 of Chaddha which includes the renderers 965 that display the video stream, and not the browser and the plug-in module. Col. 7, lines 60-66; Figure 9. As a result, the part of the client computer 240 (browser 950 and browser plug-in module 952) which the Examiner suggests does not perform pre-processing functions, is not operable to render the combined data stream. Similarly, the part of the client computer 240 (client module 960) which includes the renderers 965 and can display the video/audio stream cannot be characterized as the thin media client because as the Examiner acknowledges, the client module 960 is responsible for processing the data stream. Office Action, at 8.

Thus, regardless of the characterization of the different parts of the client computer 240, Chaddha fails to teach or suggest a thin media client which (1) renders the combined data stream; and (2) does not perform pre-processing functions related to the data stream, as recited in amended independent claims 1, 8 and 18.

Claims 5, 10 and 22 stand rejected as obvious in view of Chaddha and Smyth. Claims 5, 10 and 22 depend from independent claims 1, 8 and 18 respectively. As discussed above, Chaddha fails to disclose all limitations of independent claims 1, 8 and 18. Similarly, Smyth fails to disclose that which Chaddha lacks.

Smyth is directed to a method of controlling video signals in a multi-participant video conference. Smyth, Abstract. The applicants find no teaching of a thin media client which 1) renders the combined data stream; and (2) does not perform pre-processing functions related

to the data stream in Smyth. Therefore, independent claims 1, 8 and 18 are allowable over Chaddha and Smyth.

As Chaddha alone, or in combination with Smyth, fails to teach or suggest each and every element of independent claims 1, 8 and 18, Chaddha alone, or in combination with Smyth, does not anticipate these claims. Applicants respectfully submit that these independent claims allowable. Additionally, Applicants submit that dependent claims 2-7, 9-17 and 19-25 are allowable, as they depend from otherwise allowable base claims.

B. Remarks Regarding Rejection of Dependent Claims 2-7, 9-17 and 19-25 Under 35 U.S.C. § 103

The rejection of dependent claims 2-7, 9-17 and 19-25 will not be discussed individually herein, as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim.

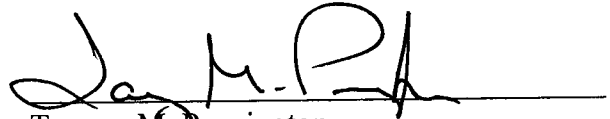
C. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by examiner, Applicants do not acquiesce to examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation rejections. The current amendments to the claims are sufficient to overcome the novelty and obviousness rejections.

Conclusion

Applicants respectfully submit that the pending claims 1-25 of the present invention, as amended, are allowable. Applicants respectfully request that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,


Tammy M. Pennington
Registration No. 61,223

Baker Botts L.L.P.
910 Louisiana
One Shell Plaza
Houston, Texas 77002-4995
(713) 229-1972

Baker Botts Docket Number: 016295.1384

Date: January 8, 2009